

# Report of the Ad hoc Committee on the Revision of the Composition, Rules and Procedures of Evaluation Committees and Advisory Search Committees

15 December 1992

## Foreword

The Ad hoc Committee on the Revision of the Composition, Rules and Procedures of Evaluation Committees and Advisory Search Committees (hereinafter called "the Ad hoc Committee") has now completed its work and is pleased to submit its final Report to the Board of Governors.

The present Report is the result of careful deliberations extending over more than a year. When the Ad hoc Committee was established in September 1991 and we accepted to become members, none of us anticipated that the task would prove to be so difficult. We expected normal review and update; but, as our mandate unfolded, we soon realized that what had to be performed was in fact a thorough revision, because the need to reflect on the structure and operation of these committees called into question some of the most fundamental values of this University. In addition, some of the issues which we had to address were complex and controversial.

We wish to emphasize that each and every recommendation formulated in this Report is made in the best interests of the

University, and constitutes an honest attempt to find reasonable, realistic measures aimed at improving the operation of search committees, whose role is so critical to the development of this University. The overall process that we are recommending is one which, we hope, fully recognizes and respects the distinct nature of a university.

The Committee wishes to thank all those who have contributed to its work in one way or another: the Department of Institutional Planning and Research, which conducted a survey on our behalf, other individuals in the University who

supplied information or documents, the groups and individuals who submitted written briefs to the Committee, and those who came to meet with us at the open hearings.

*The Ad hoc Committee members.*

## Introduction

Institutions of higher learning have a lot at stake in senior administrative appointments. The right person in the right position can work wonders, whereas an ill-advised appointment can bring real harm to the institution. It is therefore of paramount importance for universities to select not only good senior administrators, but the best possible senior administrators, whether by nurturing and advancing the talents of their internal managers, or by attracting outstanding candidates from outside the institution.

For recruiting and selecting top-level administrators, universities rely on search committees, which are unique to academic institutions and very much a part of the university culture. Search committees are usually elected by the most senior governing body in the institution, and charged with the

### Concordia's Thursday Report

**THIS SPECIAL SUPPLEMENT ON THE REPORT OF THE AD HOC COMMITTEE ON THE REVISION OF THE COMPOSITION, RULES AND PROCEDURES OF EVALUATION COMMITTEES AND ADVISORY SEARCH COMMITTEES HAS BEEN PUBLISHED BY CONCORDIA'S THURSDAY REPORT AT THE REQUEST OF THE STEERING COMMITTEE OF SENATE. THE REPORT'S RECOMMENDATIONS APPEAR ON THE BACK PAGE.**



mandate of selecting the right candidate to fill a vacant position. Search or selection committees are found throughout the Canadian university system, albeit with different compositions or modes of appointment, and they operate with varying degrees of openness which range from total confidentiality to an open election process. Historically, search or selection committees date from the period following the Duff-Berdahl report. They were introduced to provide community advice to Boards of Governors, which, at the time, were made up almost entirely of external members.

## Brief History of Evaluation/Search Committees at Concordia

Evaluation committees and advisory search committees, as they are called here, have been part of the University's tradition for as long as Concordia has been in existence and even before that, as such committees existed at Sir George Williams before the 1966 Duff-Berdahl report, i.e. in the early 1960's. The first set of written procedures concerned Advisory Committees only, and was adopted by the Board of Governors on 8 May 1975, upon recommendation of the Personnel Committee of the Board. These procedures applied to the selection of the Rector, the Vice-Rectors and the academic Deans.<sup>1</sup> They contained, although in a shorter form, many of the provisions which are set out in the current "Rules and Procedures for Evaluation Committees and Advisory Search Committees" — for example, with respect to confidentiality.

The 1975 procedures were amended by the Board on 12 April 1979 and further amended on 18 June 1981, broadening their scope to include evaluation committees. The revised procedures applied to the selection of the Rector, the Vice-Rectors, the academic Deans and the Provost.<sup>2</sup> A small ad hoc committee, chaired by Dr. Stephen Dubas, was struck in 1982 to assess the difficulties arising from the evaluation process, and made recommendations to the Board in a report dated May 1982.

One of the difficulties had to do with the interpretation of Article 13 (iii) of the revised Procedures, which deals with the

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so-called "third option" of evaluation committees, i.e. the possibility of recommending "that judgment be reserved on the incumbent's candidacy and that the evaluation committee be transformed into an advisory search committee." The Board of Governors adopted on 30 June 1982 the following resolution whereby Article 13 paragraph (iii) of the Procedures for Evaluation Committees was interpreted to mean:

**"that the spirit of inquiry, fundamental to the maintenance of a true academic environment, be held to apply also in the case of Advisory Search Committees for academic administrators of the rank of Dean and above; that the search for such administrators be as open and broad as possible, so that the best person can be chosen; and that the incumbents be evaluated not only in the light of past performance, but in competition with other candidates."**

On 3 November 1983, the Board of Governors established an ad hoc committee composed of five members and chaired by Me P. André Gervais, then Vice-Chairman of the Board, to examine evaluation committees and advisory search committees and to report back to the Board.<sup>3</sup> This committee submitted a first report to the Board in March 1984, followed by an amended report in May 1984. The Committee's amended report to the Board and the attached Rules and Procedures, adopted by the Board on 17 May 1984, constitute the legal framework within which all of Concordia's evaluation committees and advisory search committees still operate, or are expected to operate, today. (See Appendix "D").

However, seven years and about twenty committees later, the Board of Governors decided that the time had come for a thorough revision of the current Rules and Procedures, particularly in the light of the views expressed by some, that the current committees were too large in size, that some of the rules were probably unrealistic, and that the University was not following its own rules in all cases. There seemed to be a perceived need for bringing the current process more in line

with the University's present needs and aspirations.

Accordingly, the Board of Governors established, by resolution adopted at its meeting of 25 September 1991, an Ad hoc Committee with the following mandate:

**"THAT an Ad hoc Committee be established to study the composition as well as all aspects of the operation of evaluation and advisory search committees and to make recommendations as to proposed amendments to the current rules and procedures."**

The following persons were elected members by the Board of Governors:

1. Mr. Reginald K. Groome, from the community-at-large, as Chairman;
2. Sister (Dr.) Eileen McIlwaine, from the community-at-large;
3. Mr. J. Roy Firth, from the community-at-large (also an alumnus);
4. Dr. Henry Habib, a faculty member;
5. Dr. V.H. Kirpalani, a faculty member (N.B. Dr. Kirpalani was elected at the 18 December 1991 meeting of the Board);
6. Mr. Thomas Dowd, an undergraduate student; and
7. Ms. Bérengère Gaudet, Secretary-General, as Secretary and voting member.

## Methodology

As part of the information-gathering process, a survey was conducted by Concordia's Department of Institutional Planning and Research with forty-one (41) universities across Canada, asking them about their policies and procedures in appointing senior administrators.<sup>4</sup> Twenty-six (26) institutions responded, including most of Canada's largest universities, and those whose size and situation (urban universities) are comparable to Concordia's.<sup>5</sup> While each university has its own specific features and requirements, and what works well in one institution may not be advisable in another, it is always interesting to compare what is being done here with the practices and traditions of other institutions.

The present Report does not include an extensive review of the results of this survey, but examples taken from the procedures used in other Canadian universities will be mentioned, where appropriate.

1 "Procedures for Advisory Committees" — see Appendix "E"

2 "Procedures for Evaluation Committees and Advisory Search Committees" — see Appendix "F."

3 The Committee's official designation was: the "Ad Hoc Committee to evaluate, review and recommend the composition, structure and methods of procedure of the committees now known as the Evaluation Committee and the Advisory Search Committee for Senior Administrators" (CESSA) — (an acronym suggested by the Secretary of the Committee, Father A. Graham, to abbreviate this very long name. It stands for: Committees to Evaluate and Search for Senior Administrators.)

4 See Appendix "B." This survey was part of a broader investigation concerning administrative structures and lines of authority. The "selection process" dimension was added at the request of the Committee.

5 See Appendix "C."



Through an advertisement published in *Concordia's Thursday Report*, on 31 October 1991, the Ad hoc Committee invited written briefs or submissions from anyone interested. The original deadline of 30 November 1991 was subsequently extended to 31 January 1992. Despite the extension of the deadline and the fact that the existence of the Ad hoc Committee was already well-publicized, the Committee received only eighteen (18) submissions. A list of the briefs and submissions is provided at the end of this Report as Appendix "A."

The Ad hoc Committee also met with groups and individuals who had requested to appear before the Committee to elaborate on the views expressed in their briefs. On 16 March 1992, the Committee met with four such groups and one individual,<sup>6</sup> i.e. all of those who had requested, and most of those who had offered, to be heard.

In addition, at the request of Senate, the Ad hoc Committee held two open hearings in April 1992. On 8 April 1992, the Committee heard the Vice-Rector, Institutional Relations and Finance and the Rector. On 21 April 1992, the Committee heard the Chairman of the Board, a Sub-Committee of the Advisory Search Committee for the Dean of Arts and Science and a representative of the Advisory Search Committee for the Dean of Engineering and Computer Science. Although these hearings were open to all and widely advertised, few people attended as observers. At the hearing of 8 April 1992, thirteen (13) such observers were present and at the hearing of 21 April 1992, there were three (3).

The Ad hoc Committee also held twenty (20) other meetings, on the following dates: 8 October 1991, 27 November 1991, 21 January 1992, 17 February 1992, 20 February 1992, 25 March 1992, 8 April 1992 (before the open hearing), 21 April 1992 (after the open hearing), 20 May 1992, 28 May 1992, 2 June 1992, 17 June 1992, 9 July 1992, 29 July 1992, 26 August 1992, 15 September 1992, 20 October 1992, 28 October 1992, 3 November 1992, and 7 December 1992. Most of these meetings lasted about three hours.

## Contents of the Report

The present Report is comprised of three chapters. In Chapter One, the Ad hoc Committee addresses preliminary issues such as a general diagnosis of the present situation, and the types of positions for which search committees should be used. A description of the proposed overall process follows in Chapter Two. In this chapter the Ad hoc Committee proposes the principles and modalities for the creation of an

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advisory selection committee; issues discussed include evaluation vs. search, the size and composition of the committee, determining the profile, and related issues such as gender equity and the nomination and election process.

Chapter Three of the Report is devoted to the process and procedures of advisory selection committees and examines a number of questions directly related to the operation of such committees: namely, the issue of confidentiality, the rules of natural justice, the role of periodic appraisals of academic units, the screening of candidates and publicizing of the short list, the report of the advisory selection committee and a proposed conflict resolution mechanism. Finally, the Report contains a list of the Committee's recommendations and six Appendices.

## Definitions

Throughout this Report, we are referring to different, but closely related, types of committees, depending on the context. In order to avoid confusion, the following definitions will clarify the terms used in the Report to designate these different committees:

- "evaluation committees" and "advisory search committees" refer to the committees established and elected under the current Rules and Procedures; (they are sometimes referred to as "the current committees")
- "advisory selection committees" refers to the new type of committee being recommended in this Report;
- "the Ad hoc Committee" is the current Ad hoc Committee on the Revision of the Composition, Rules and Procedures of Evaluation Committees and Advisory Search Committees. It is sometimes also referred to as "the Committee" when mentioned twice in a given paragraph, to avoid repeating the words "ad hoc."
- the word "search," when used alone, has the meaning ascribed to it in the Canadian university context.

# CHAPTER 1 Preliminary Issues

## 1.1 General Diagnosis

From representations made in the written submissions, as well as those made in personal appearances and at the open hearings, several difficulties affecting the operation of committees have been identified:

- The present committees are *too large in size*, which makes them very cumbersome.
- *The rule of confidentiality*, particularly the obligation for committee members, under the current rules, to sign an undertaking of confidentiality.
- The *evaluation procedures* are perceived as not working well. Representations have been made that evaluations be eliminated altogether and that searches be conducted in all cases.
- The obligation for committees to respect *the rules of natural justice*, while necessary, is difficult to apply. Problems have arisen in certain committees, when members were uncertain to what extent some representations should be allowed, and whether or not they should be communicated to the incumbent (in order to respect the rule of natural justice that the incumbent should be given the opportunity to respond to any allegations made against him or her.)
- *Some requirements* of the current rules and procedures *have not been followed*, perhaps because they were found to be inapplicable in practice. Two cases in point: 1) The requirement that a schedule of meetings of the committee be published *prior to* choosing committee members has simply not worked. 2) The deadlines contained in the Rules and Procedures are unrealistic. The time needed to publish advertisements, to organize interviews with the candidates and the length and number of committee meetings all make the process longer than was originally anticipated when the current rules were drafted in 1984.

The Ad hoc Committee has considered all of these representations carefully. Although some of the criticisms reported above are certainly founded, we cannot agree with the nega-

6 Namely: Members of the Executive of CUFA, the Committee on Gender Equity in Matters Academic (GEMA), the Chairs' Caucus' Steering Committee, the Office of the Vice-Rector, Academic, and the Vice-Rector, Services.





tive perception conveyed by the nature and extent of the difficulties described in some of the representations we received.

Quite to the contrary, the Ad hoc Committee's view is that evaluation and search committees have generally worked well, with a few notable exceptions which have led to the current dissatisfaction. After analyzing the situation, the Committee's conclusion is that while the present system is not perfect, the underlying principles established in 1984 are sound, that most of the Rules and Procedures are basically good, but that in some instances they have not been followed properly. In those notable exceptions, it is our view that difficulties may have arisen for reasons which have little to do with the Rules and Procedures themselves, but may have more to do with the individuals involved.

Accordingly, we do not believe the current rules should be replaced by an entirely new system. The Ad hoc Committee is recommending some basic changes aimed at improving the operation of the committees, by streamlining the process and making the rules more workable. In order to correct those weaknesses which we have identified, some vital — if not spectacular — changes are being introduced; we sincerely believe that these modifications, if adopted, can go a long way towards improving the efficiency of the current committees. They will be outlined below in Chapter 2, titled: "Description of the Proposed Overall Process."

## 1.2 Objectives of a Search

The immediate objectives of a search process are to appoint the most qualified person to the position, to retain the successful candidate, once appointed, and that the selected candidate be successful in the position.

Firstly, to appoint the most qualified person to the position (as aforesaid, not only a "good" candidate, but the best we can find) involves finding a person with proven administrative skills and one who has the best demonstrated potential for exercising both academic and administrative leadership.

Secondly, we wish to retain the successful candidate, once appointed. There is no point in devoting a lot of time, energy and money to recruit and appoint a qualified candidate, only to have the incumbent leave the position after eighteen months or two years. This entails that the search committee should work towards ensuring a good match between the selected candidate and the working environment, and that the institution must be prepared to provide appropriate working conditions that will help the incumbent to be productive and creative.

Thirdly, we wish the selected candidate to be successful in

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the position. In addition to the factors mentioned above, this involves appointing a person who has strong and demonstrated support within the constituency or constituencies which that person is expected to serve.

In order to achieve those objectives, the search committee will have to conduct a search process that is fair (and is seen to be fair), rapid and efficient.

## 1.3 Types of Positions for which Committees should be used

Under Concordia's current tradition, the following positions are subject to an appointment made by the Board of Governors, following a search conducted by a committee appointed by the Board: the Rector, the three Vice-Rectors, the academic Deans and the Director of University Libraries.

It might be worthwhile to know how this matter is dealt with by other Canadian universities. From the survey of 41 Canadian universities indicated above, it was found that, in general, search committees are used when selecting senior academic administrators, i.e. Rectors, Vice-Rectors (Academic) and Deans. (Exceptions to this are Université Laval and Université de Montréal, where Vice-Rectors are appointed on the recommendation of the Rector.)

Search committees are not as consistently used for the selection of other senior administrators, i.e. Vice-Rectors (Administration), Vice-Rectors (Services) and Directors. For these positions, the process used tends not to be as formal and often depends on the specific situation. However, when an institution did report using a committee for selecting other senior administrators, the procedures described closely followed those used for selecting senior academic administrators at the same university — (e.g. University of Alberta, Wilfrid Laurier University).

Obviously, at Concordia University, no such distinction was made, and the choice of the positions warranting a search committee must have been based on other criteria. What should these criteria be?

Based upon discussions with people from other Quebec universities which have similar rules, the following criteria emerged: a full search-committee process should only be used for positions of university-wide significance, for line positions and not staff, and positions for which there exist a variety of legitimate constituency interests that require a voice in the process. Assessed against these criteria, the current positions which are searched satisfy the requirements.

### Therefore the Ad hoc Committee recommends:

1. That the status quo be maintained with respect to the senior administrative positions which are subject to an appointment by the Board of Governors following a search conducted by an advisory selection committee established by the Board.

# CHAPTER 2 Description of the proposed Overall Process

When appointing senior administrators, two concrete situations are possible: 1) the incumbent may be willing to continue in the position and is seeking re-appointment; or 2) a vacancy may occur as a result of resignation, appointment to another position, illness, or any other cause.

The current Rules and Procedures provide for two different mechanisms to respond to these two situations. When an incumbent is seeking reappointment at the end of a first term, an Evaluation Committee must be established in the penultimate year of the five-year mandate to assess the incumbent's performance in the position, and to recommend for or against reappointment. On the other hand, when a vacancy occurs,



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an Advisory Search Committee must be established, with the mandate to recommend the most suitable and best candidate for appointment. The Rules and Procedures also provide that after an incumbent has been in office for two consecutive terms, i.e. ten years, no evaluation will be performed, but instead an advisory search committee must be established, and the incumbent will be treated in the same way as any other candidate.

Are two different types of committees still necessary in the present context? This is a key issue which the Ad hoc Committee examined carefully, and which had to be determined as a priority as it is critical to the whole structure under review. In the present chapter, we will set out our answer to the above question. We have also considered the kind of committee that could best carry out the task of selecting the best possible candidate. The mandate of this committee, its mode of establishment and the time frame for its election, as well as the size and composition of this committee, will be described below.

## 2.1 Evaluation vs. Search Committees

Representations were made to the Ad hoc Committee that the use of evaluation committees for the reappointment of senior administrators should be eliminated altogether. Groups and individuals who argued against evaluation committees recommended instead the holding of a proactive search in which the incumbent would be evaluated against other candidates.<sup>7</sup>

Different considerations were involved in the arguments put forward to justify that position. One of them related to the personal perceptions, held by many incumbents who had been through the evaluation process, that this process is psychologically and physically draining.<sup>8</sup> Another concern pertained to the personal agendas which members of evaluation committees might bring with them:

"Some members of faculty who sit on evaluation and search committees approach the process with non-objective parameters of personal loyalty, self-protection, etc., instead of the objective academic needs of the unit and the university."<sup>9</sup>

Other considerations, which were not expressed in writing but

came forward during the open hearings, involved the perception that evaluations always tend to favour the incumbent and that, somehow, when an evaluation takes place, the dice are rigged. From the views expressed to the Ad hoc Committee, it would seem that evaluations were perceived negatively by some, if only because they restrict the scope of possibilities by not allowing other valuable candidates to compete for the position.

It should be noted that the opposite view, that there is nothing wrong with evaluation committees, was also expressed before the Committee. Evaluations, it was argued, should still be performed at the end of a first five-year term, and a full search should be performed after two terms if the incumbent is seeking reappointment — as the current Rules and Procedures stipulate. What was advocated, in fact, is maintaining the status quo. It was also pointed out that evaluation committees are much less costly, in terms of time and money, than are searches.<sup>10</sup>

Be that as it may, the Ad hoc Committee felt that, on the whole, the current evaluation process is perceived as not working well, at least by some groups in the University community. Does the problem lie with the procedure itself, or with the issues and agendas that people bring to evaluation committees?

The Ad hoc Committee believes it is almost impossible to give an adequate answer to that question, in part because of the many subjective factors involved, but mostly because the Committee lacked the proper empirical data to be able to carry out a satisfactory analysis. On the basis of the representations made and of our own knowledge of the current situation, it is impossible for the Committee to conclude, for example, that x% of the evaluation committees have worked well, whereas y% were not satisfactory. It would simply not be true. All we can say is that some evaluations appear to have been successful, but there were serious problems with others.

Our assessment, therefore, is based on purely pragmatic considerations. The Ad hoc Committee believes there is no valid reason to maintain two parallel structures, each with its own set of rules. It is cumbersome to have two different types of committee unless there is a compelling practical reason to justify that structure. Accordingly, the Ad hoc Committee recommends that evaluation committees, as established under the current Rules and Procedures, be discontinued. This does not entail, however, that a full search will be undertaken in all cases and whatever the circumstances. We believe there is also some merit in the argument that evaluations are less costly, and less time-consuming, than are searches. With this concern in mind, the Committee attempted to retain the best of both worlds, i.e. the advantages of performing an evaluation in some cases, while streamlining the process by keeping only one type of committee.

The Ad hoc Committee believes that this can be achieved by the creation of a single type of committee, called the "advisory selection committee," which would perform both tasks, i.e. an evaluation and a search. An evaluation would not be performed in all cases, but only after an incumbent's first term and if the incumbent is seeking reappointment. In such a case, the first step of the process would be an evaluation. If the results of the evaluation are positive, then the advisory selection committee may recommend to the Board that the incumbent be reappointed for a second term, without the necessity for a full search. *In all other cases, there will be a full search.*

## 2.2 The Advisory Selection Committee

### 2.2.1 Establishment of the Committee; timeframe

The Ad hoc Committee believes the selection process should be initiated by the Board of Governors and should comprise two stages: 1) the formal creation or establishment of the advisory selection committee through a resolution of the Board which also outlines the composition of the Committee, followed by 2) election of the Committee members pursuant to nominations forwarded by the relevant constituencies. This two-stage process is already provided for in the current Rules and Procedures, but the time frame should be modified because the current one, as stipulated in the Rules, does not foster full participation of faculty members and students. At the present time, if the Board establishes a (search) or

7 Briefs submitted to the Committee by CUFA, the Office of the Vice-Rector, Academic, and the Vice-Rector, Services, and oral presentation by Dr. Martin Kusy at the open hearing held on 21 April 1992.

8 Submission by Dr. C.L. Bertrand, Vice-Rector, Services.

9 Submission by the Office of the Vice-Rector, Academic, page 2.

10 Oral presentation by Me P. André Gervais, former Chairman of the Board of Governors, at the open hearing held on 21 April 1992.





selection committee in June, it means the elections must take place in the Summer months and early September, i.e. at a time when most students and faculty members are absent from the campus.

We agree this can and does create a problem. It would seem more reasonable to hold these elections in a period *during the academic year* when faculty members, staff and students can be informed of the selection process and then participate in the election either by voting or being a candidate. We believe that choosing the months of *April* and *June* is more realistic than June and September, as we have at present.

In terms of the establishment and election of the committee membership, the time frame and the mandate, the Ad hoc committee recommends the following:

In the month of April, preferably the first week of April, in the year prior to the expiration of the incumbent's term of office, the Board of Governors shall initiate the selection process by establishing an advisory selection committee and determining its composition.

Between the months of April and June, the various constituencies shall nominate their representatives for the advisory selection committee in accordance with the procedures recommended in this Report, and the Secretary of the Board of Governors shall forward the names of the nominees to the Board for election.

At its June meeting, the Board of Governors shall elect the members of the committee and appoint its Chair, who will normally be the person to whom the position reports. As soon as possible after the members are elected, the committee is expected to begin its work, which will be carried out throughout the Fall term, and, if necessary, at the beginning of the Winter term, so that the committee may be in a position to report to the Board of Governors by February.

Should the incumbent be in his/her first term of office, the first step of the process will be an evaluation. If the results of the evaluation are positive, the advisory selection committee may recommend to the Board that the incumbent be reappointed for a second term, without the necessity for a full search. In all other cases, there will be a full search.

If, for any reason, this time table cannot be adhered to, the Board will determine an appropriate time table.

### **2.2.2 Size and Composition of Advisory Selection Committees**

The size of a committee, while not an overriding factor, is

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important because it determines to a certain extent its *modus operandi*. The current average size of such committees is fourteen (14) members.

Among Canadian universities, there is considerable variation in the size of committees. For example, for the position of President, Dalhousie reports seven members, Guelph and Wilfrid Laurier nine, Alberta sixteen and Victoria seventeen. Although there are differences among universities, there is usually consistency within the institutions: Dalhousie's committees all tend to have a small number of members, whereas Alberta and Victoria report large committees for all positions. In other words, no "ideal" or preferable size can be inferred from the results of the survey.

At Concordia, evaluation committees and advisory search committees have grown in size over the years to ensure that all constituencies that have a stake in the appointment are represented. While this concern is understandable, the fact remains that committees of 13, 14 or 15 members make it almost impossible to schedule meetings. In addition, interviewing candidates may become awkward or inefficient.

It is our view that the current committees are indeed too large, which makes their operation more difficult and may impair their efficiency. We believe that, in the interest of an increased efficiency in carrying out their task, such committees should be reduced in size.

The approach in which all constituencies should be adequately represented is based on the vision or belief that selection committees are constituent assemblies where elected representatives are mandated to promote the interests and voice the concerns of their respective constituencies. With all due respect, we believe this is not the case. Selection committees were not intended to be, and should not be considered as, constituent assemblies. The very thought that elected members of such committees would approach the selection of a senior administrator with the interests of a particular group in mind even seems contrary to the overall interest of the University.

If the underlying concern is the need for input rather than actual "representation," then this is another matter. The desire

to provide input and to have one's say about an important appointment is a legitimate concern which should be accommodated, but perhaps in other ways. The Ad hoc Committee believes that its recommendations concerning input to be sought from the University community in determining the profile of the ideal candidate, and for opening up the process at the stage of the short list of candidates, are a valid response to this concern. The recommended changes should, at least partly, satisfy the demands expressed for increased input.

The Ad hoc Committee believes that smaller selection committees, with an improved selection process which will be recommended later in this report, are in the best interests of this University. It should be realized that it is impossible for *all* interests to be represented.

The Ad hoc Committee recommends that advisory selection committees be composed of nine (9) members. From our own survey and as mentioned in the Search Committee Handbook, there seems to be a consensus that for positions of considerable responsibility with varied constituencies (such as those senior positions which warrant the use of a search committee at Concordia) a size of seven to nine members would be adequate.<sup>11</sup> The Committee decided to lean towards the higher end of the scale, in an attempt to reconcile the need for efficiency with the need for various types of expertise. The reduction in size from 14 or 15 to 9 obliged the Committee to redistribute the seats in a different way; we have attempted both to respect internal equity among the various groups and to ensure the best possible input in the committee's selection process. After careful consideration, we recommend the following composition:

## **Composition of the Advisory Selection Committee**

- 1 Chair, who shall normally be the senior administrator to whom the position reports;
- 2 Persons representing the Board of Governors, one of whom shall be an external member of the Board (the other may be a faculty member or a student); recommended by the Executive Committee of the Board of Governors.
- 3 Faculty members, elected from the faculty-at-large, and recommended to the Board of Governors.
  - 1 Representative of the senior management (a Vice-Rector or a Dean), recommended by the Executive Committee of the Board of Governors
  - 1 Student; nominated by the student members of the Board of Governors, and recommended to the Board of Governors.
  - 1 Member of the administrative and support staff; nominated



in conformity with the Electoral College Policy, and recommended to the Board of Governors.

## Role of the Chair

The Chair of the advisory selection committee should be the senior administrator to whom the position to be filled reports, as already provided for in the current Rules and Procedures.<sup>12</sup> The Committee believes that this is a sound principle and the present rule should be maintained.

Given the significant workload involved in chairing an advisory selection committee, we recommend that a person should not chair more than one advisory selection committee concurrently. If two or more advisory selection committees for positions under the jurisdiction of the same senior administrator are established at the same time, the Ad hoc Committee believes the decision as to who should chair the second committee should be made by the Board of Governors, acting on the recommendation of the Executive Committee.

### Therefore the Ad hoc Committee recommends:

1. That the current Evaluation Committees and Advisory Search Committees be replaced by an Advisory Selection Committee, as proposed on page 5 of this report.
2. That the timeframe for the establishment and election of advisory selection committees be as set out on page 5 of this report.
3. That Advisory Selection Committees be composed of nine members.
4. That the composition of Advisory Selection Committees be as proposed on page 6 of this report.
5. That the Advisory Selection Committee be chaired by the senior administrator to whom the position to be filled reports.
6. That a senior administrator, who is called upon to chair such advisory selection committees, chair no more than one committee at a time;
7. That, should two or more advisory selection committees under the jurisdiction of the same person be established at the same time, the other Chair(s) be appointed by the Board of Governors on the recommendation of the Executive Committee.

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## 2.3 Term of Appointment (duration)

Under the current Rules and Procedures, the term of appointment for senior administrators is five (5) years. Article 2 of the Rules stipulates:

"Unless the Board decides otherwise, appointments to these positions<sup>13</sup> are for a term of five years beginning June 1, renewable for additional terms, subject to the terms and conditions provided hereunder."

The Ad hoc Committee can see no valid reason to change the present term of appointment.

The actual concerns that were expressed did not pertain to the five-year term *per se*, but rather to the fact that it was perceived as "unlimited." Why this perception? Presumably because of the terms used in Article 2: (...) "a term of five years (...) renewable for additional terms" — although this is qualified and limited in the rest of the sentence: "subject to the terms and conditions provided hereunder." Another reason might be related to the perception that because the current evaluation procedures usually favour the incumbent, theoretically an incumbent could seek reappointment several times and, in theory again, have his or her mandate renewed almost indefinitely.

It was argued before the Ad hoc Committee that to have an unlimited term of office is unhealthy.<sup>14</sup> A few written submissions advocated an absolute limit of two terms of five years,<sup>15</sup> based on the argument that to have an administrator in the same office for too long will be harmful to an institution, no matter how bright and talented the person may be.

To speak of an "unlimited" term of office is inaccurate, inasmuch as the current Rules and Procedures provide for a

built-in limitation when they state that an Advisory Search Committee shall be established at the end of the incumbent's second term or subsequent terms.<sup>16</sup> This rule has always been followed. The participants who made representations on this issue, when made aware of this provision in the current Rules, argued that this was not a sufficient safeguard and that the process should provide some sort of checks and balances to prevent abuses.

While the Committee understands that concern, the University should not lose good people because of rigid rules that would preclude their reappointment. The University should be able to retain outstanding incumbents when they do a superior job.

## 2.4 Profile of the ideal candidate

Determining the profile of the ideal candidate is a prerequisite to, and a vital part of, the responsibility of selecting the best possible candidate for a senior administrative position. In the current situation, an advisory search committee's mandate is twofold: 1) to determine the profile of the ideal candidate; 2) to select and recommend the most suitable candidate, based on that profile. The current Rules and Procedures, however, are silent as to how such a profile should be arrived at, what kind of information and documentation should be obtained, what input should enter into the determination of the profile, etc. It is assumed that every (current) advisory search committee performs this task to the best of its knowledge and ability, and according to procedures which the committee itself determines.

The Ad hoc Committee believes that the determination of the ideal candidate's profile should not be left to the (proposed) advisory selection committee, but that the profile should rather be predetermined before the committee undertakes its deliberations. In addition, there is in our view a need for a certain standardization of the process, and this can best be achieved by assigning the responsibility of determining the profile to a group or body which is external to the advisory selection committee.

12 Article 4 *in fine*, which reads in part: (...) "and the Chairman of that Committee who will normally be the person to whom the position reports." See also articles 18 and 32.

13 Referring to the positions enumerated in Article 1, namely: the Rector, the Vice-Rectors, the Deans and the Provost. (It is interesting to note that the position of Director of Libraries was not included in this list.)

14 Prof. Maria Peluso and Dr. Martin Kusy at the open hearing held on 21 April 1992.

15 Brief from CUFA at page 3, submissions from Dr. Paul Fazio, Dr. C.Y. Suen, and Dr. John McKay.

16 Article 5 b) of the Rules and Procedures.





We believe the profile should be prepared by the senior administration of the University, with the appropriate consultation and input as defined below. The rationale for this choice is that the senior administration is already committed to, and engaged in, a strategic planning process which entails the determination of long-term goals and short-term objectives, both institutional and sectoral, and the selection of candidates for senior administrative positions, because of its strategic importance, is very much a part of this planning process.

Who would the senior administration include in this particular instance? Except in the case where the position being searched is that of Rector, this group would include the Rector, the three Vice-Rectors, the Secretary-General and the five academic deans. When the position being searched is that of the Rector, the Chairman of the Board of Governors would be added as a member of the team, and the group would also include the two Vice-Chairs of the Board. The process of determining the profile of the ideal candidate should be initiated by the Rector as soon as a vacancy occurs, or in the month of April of the fourth year of the incumbent's mandate, as set out above. In all cases the positions for which the profile is being determined should be excluded from deciding, but allowed to provide input.

In determining the profile, the group will use any relevant documentation such as appraisal of academic units, planning documents (institutional objectives, mission statement and long-term goals of a given unit), evaluation of the incumbent, etc. Input should be solicited from the Faculties in the case of the Vice-Rector, Academic, and from the relevant constituencies, in other cases. In addition, the senior administration may solicit briefs and submissions from the entire University community, through appropriate advertisements in the University and student newspapers.

Once the ideal profile is determined, the senior administration will solicit input from the Executive Committee of the Board of Governors, which is composed of a majority of external members of the Board, but also includes one faculty member, one staff member and one student.

As a final step, the resulting profile must be approved by the Board of Governors, which has final authority over all matters except for the approval of academic programmes. It should be remembered that the Board is a body where all the constituencies are represented; of course the faculty members, the students and the staff member on the Board could in turn solicit feedback from their respective constituencies.

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Before the profile is submitted to the Board of Governors, it should be forwarded to the Senate for its input and recommendations.

The Ad hoc Committee believes the determination of the profile should be completed by the time the advisory selection committee is elected and ready to proceed, that is, within two months, between April and June. Once the profile is approved by the Board, it should be forwarded to the Chair of the advisory selection committee as part of the committee's terms of reference and as the basic document on which the committee is expected to base its deliberations.

**Therefore the Ad hoc Committee recommends:**

1. That the University's senior administration be responsible for preparing the profile of the ideal candidate, after the appropriate consultation and input, as outlined above. The profile shall be completed within a delay of two months, between April and June.
2. That, in determining the profile, the senior administration solicit input and feedback from the relevant constituencies and from the Executive Committee of the Board of Governors.
3. That, once finalized, the profile of the ideal candidate be forwarded to Senate for its input and recommendations, and then submitted to the Board of Governors for approval.
4. That, after approving the profile of the ideal candidate, the Board of Governors forward the document to the Chair of the advisory selection committee as the basic document for the said committee's deliberations.

## 2.5 Related Issues

Other issues related to the composition of advisory selection committees must be addressed at this point. They include such questions as the "status" of committee members, gender equity and gender balance, the nomination and election process, and eligibility rules.

### 2.5.1 Status of members

Should members of advisory selection committees sit as individuals or as representatives of a given constituency? It is clearly stated both in the amended Report from CESSA (page 4) and in Article 22 of the current Rules and Procedures that:

**"Members of the Advisory Search Committee shall sit as individuals, not as delegates or representatives of any group."**<sup>17</sup>

Only one objection was raised to this particular rule on the grounds that it is "unenforceable" because "the relational power of individuals is unbalanced."<sup>18</sup>

The Ad hoc Committee can see no valid reason to modify the present rule. For members of advisory selection committees to act as individuals makes sense, and the rationale is quite obvious from what has been discussed above. Since such committees are not to be considered as constituent assemblies, their members should not come with a mandate from any particular group. Rather, the advisory selection committee should be seen as a specially formed group acting on behalf of the institution. This approach reinforces the sense of personal responsibility and commitment of each committee member.

### 2.5.2 Gender Equity and Gender Balance

The Ad hoc Committee received representations from two groups<sup>19</sup> about the issues of gender equity and gender balance. We purposefully include both issues because the recommendations of these two submissions went beyond ensuring a more balanced composition (gender balance) and were aimed at fostering conditions that will facilitate the academic progress of women (gender equity). The issues addressed in these two submissions include, besides the composition of search committees, the recruitment of good female candidates, interviews and criteria to be used in evaluations. It was emphasized that the recommendations in favour of women were also applicable to visible minorities and other designated groups.

We agree that more open appointment procedures for senior officers of the University are important in the pursuit of employment and educational equity at Concordia.

While the Ad hoc Committee concurs in theory with the recommendation that the composition of search committees provide for at least 30% women, the Committee wishes to

17 A similar rule for evaluation committees is set out at Article 10.

18 Brief from the Office of the Vice-Rector, Academic, pp. 3-4.

19 The Committee on Gender Equity in Matters Academic Advisory to the Vice-Rector, Academic (GEMA) and Dr. Claudie Solar, on behalf of the Office of the Status of Women. Other groups, such as CUFA and the Chairs' Caucus, also made recommendations on gender balance.



point out that the Board of Governors has no control over this aspect of representation. Members of evaluation and advisory search committees are elected by the Board from nominations submitted by the groups or individuals identified in the official composition of each evaluation or advisory search committee. There have been instances where nominations from the various constituencies did not include a single woman, or included only one or two women out of a total of 13 or 14.

However, the Ad hoc Committee urges the Faculty Councils and the faculty members and student members of Senate to nominate more women to sit on these committees.

We agree with the Advisor to the Rector on the Status of Women that proactive procedures be used to seek out and encourage women candidates. It is also important that advertisements define the qualifications and experience needed for positions in a way that invites and encourages women candidates.

We also recommend that Advisory Selection Committees adopt procedures aimed at avoiding even inadvertent discrimination against women.

### 2.5.3 Nomination and election process

At present there is no uniform, University-wide regulation of elections and electoral procedures. This could account for some of the shortcomings observed in the present system. While it would be an exaggeration to speak of a widespread concern, the concerns that were expressed to the Ad hoc Committee were serious enough to warrant addressing the issue.

#### For faculty members

The Ad hoc Committee received several submissions dealing with this issue.<sup>20</sup> They were unanimous in expressing dissatisfaction with the present process. Some alleged irregularities were described. It was also stated that the current electoral process does not provide sufficient guarantees of credibility and impartiality.

Two major recommendations can be identified from these briefs: 1) there should be uniform, University-wide procedures applying to all the Faculties; 2) there should be an independent, impartial body to oversee the election process and to deal with complaints about irregularities in the procedures.

The Ad hoc Committee has no difficulty in agreeing with the first recommendation. However, the question as to what body

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should have the responsibility of developing new, uniform procedures, is more problematic. The Committee believes this task does not come within the purview of its mandate, and urges the Board of Governors to develop and adopt such uniform procedures forthwith.

With respect to the second recommendation, and after careful consideration of the options available, the Ad hoc Committee concluded that the Office of the Secretary-General is best suited to assume that responsibility because of its nature as a neutral and impartial unit. It should be noted that the Secretary-General did not participate in this debate, apart from pointing out this would place a substantial additional burden on her Office. Nevertheless, it was a unanimous recommendation of the other members of the Committee that the Office of the Secretary-General be responsible, provided that sufficient additional resources be allocated to it.

#### For students

Under the current rules, students are nominated to evaluation and search committees through election by the student members of Senate. The Graduate Students' Association would prefer to have graduate student members on such committees nominated by the GSA Council instead of by the graduate student senators. In the GSA's opinion, this would be more democratic and it would ensure against deadlock. (Such a deadlock occurred this year when the two graduate students on Senate were unable to agree on the nomination of a graduate student member to one of the search committees.) The Ad hoc Committee concurs with the procedure proposed by the GSA. Perhaps the other student associations should reassess the validity of their current procedures with a view to ensuring the most democratic mode of nomination possible.

#### For staff members

The organization of staff elections is presently handled by the Department of Human Resources as a "service." There are no written procedures for these elections as there are, for example, for the Electoral College.<sup>21</sup> It seems the electorate is not sufficiently informed about these procedures, and so a certain confusion ensues.<sup>22</sup>

The Ad hoc Committee recommends that procedures for the election of staff members be clarified and put in writing, and that the electors be better informed through whatever means may be deemed the most appropriate.

### 2.5.4 Eligibility Rules

It would also be appropriate to adopt a few elementary eligibility rules to clarify questions which may arise in connection with a person's candidacy in the election process. These eligibility rules should include the following:

1. Faculty members who are on sabbatical leave, or who will be on such leave during the expected term of the mandate of the committee, as well as administrative or support staff members who are on administrative or study leave, may not be candidates to serve on advisory selection committees.
2. Membership of an advisory selection committee shall not include any person who has an apparent or potential conflict of interest with the University. This rule applies to all members of the University community, be they faculty members, students or members of the administrative or support staff.
3. In addition, students who are not in good standing (within the meaning ascribed to these terms by the University's academic regulations) or who are on probation under the Code of Conduct (Non-Academic) may not be candidates to serve on advisory selection committees.

#### Therefore the Ad hoc Committee recommends:

1. That members of the advisory selection committee sit as individuals, not as delegates or representatives of any group.
2. That proactive procedures be used to seek out women candidates for senior administrative positions.
3. That, when advertising a position, the qualifications and experience needed for the position be defined in a way that invites and encourages women candidates.
4. That advisory selection committees adopt procedures to avoid even inadvertent discrimination against women.
5. That the election process for faculty members to be nominated as members of advisory selection committees be governed by uniform, University-wide procedures, to be proposed and determined in the way which the Board of Governors will deem to be the most appropriate.
6. That the election process for faculty members be supervised by an independent, impartial authority; and that this authority be the Office of the Secretary-General, provided that sufficient additional resources be allocated to it.
7. That the procedures for the election of administrative and support staff to advisory selection committees be clarified and put in writing.
8. That the administrative and support staff be better informed about the procedures for the election of their nominees on

20 Submissions from Ms. Suzanne Belson, Ombudsperson, Dr. Paul Fazio, Dr. T.D. Bui, Dr. C.Y. Suen, Dr. John McKay, and CUFA.

21 Policy C-50.

22 Brief from Ms. Suzanne Belson, Ombudsperson.



advisory selection committees, through whatever means deemed appropriate by the Department of Human Resources.

9. That the rules and procedures governing the election process provide for eligibility rules applying to all members of the University community, as set out on page 9 of this report.

# CHAPTER 3

## The Advisory Selection Committee: Process and Procedures

In this chapter, we shall discuss issues related to the selection process and corresponding to the various steps involved, namely: the issue of confidentiality, the rules of natural justice, the role of the periodic appraisal of academic units, the screening of the candidates, the report of the advisory selection committee and a conflict resolution mechanism.

### 3.1 The issue of confidentiality

In written submissions as well as during the open hearings, many representations were made to the Committee concerning the "oath of confidentiality." These representations were to the effect that the oath of confidentiality should be abolished on the grounds that it is demeaning and offensive, and could be perceived to denote a lack of confidence in committee members by assuming that, failing a written commitment, these people might breach confidentiality. There were other

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opinions expressed which implied there should be no such thing as confidentiality in the first place, because the proceedings of a search (or evaluation) should be openly discussed by the entire community.

The Ad hoc Committee considered which norms of confidentiality would best serve the interests of the candidates themselves, those of the advisory selection committee in carrying out its mandate, those of the concerned Faculty or unit, as well as the interests of the University as a whole. We will first discuss the undertaking or "oath" of confidentiality, then the issue as to what should remain confidential in the committee's proceedings.

#### 3.1.1 The "oath of confidentiality"

There are two aspects involved here: 1) the principle of a written commitment; 2) the sanctions attached to a breach of confidentiality.

##### 3.1.1.1 The principle itself

Having carefully considered all of the arguments put forward in written briefs and oral presentations, the Ad hoc Committee has reached the conclusion that the requirement for a written undertaking of confidentiality should be abolished, for the following reasons:

1. The requirement to sign an undertaking of confidentiality is counterproductive, in that it undermines the confidence the University community must have in the process.
2. It is not "universal." Besides search committee members, there are other people in the University, such as the candidates and the staff members from the Senate Office, the Vice-Rectors' Offices and the University Secretariat, who are exposed to the same sensitive information; yet they are not required to sign an undertaking of confidentiality. It does not seem fitting that only the members of evaluation or search committees should be held to this obligation.
3. In cases where irregularities may occur, some committee members may feel that signing an undertaking of confidentiality precludes them from speaking up and denouncing these irregularities. The "oath" of confidentiality should not be used to cover up improprieties. (We shall revert to this subject hereafter).

Even though the principle of an undertaking of confidentiality was deemed appropriate in 1984, when it was introduced in response to real, specific concerns, it is no longer appropriate

in 1992. With the abolition of the oath of confidentiality, the severe sanctions associated with it are therefore no longer applicable.

This does not mean that there should be no confidentiality at all and that everything that forms part of a committee's work can be discussed openly and widely. Even without a written commitment, there is always an obligation for ethical behaviour. With or without sanctions, selection committee members are accountable, and the University must be able to rely on the sense of ethics of its members. The written commitment being abolished, committee members should be deemed to have subscribed to confidentiality and there should be a way of ascertaining this. There should be a presumption in the Rules and Procedures stating that by agreeing to serve on advisory selection committees, members are presumed to undertake to respect the limits of confidentiality set out in the present report, as well as standards of integrity, civility and ethical behaviour.

#### 3.1.1.2 The sanctions

The respect of confidentiality (i.e. for those parts of the selection process that should remain confidential) is a serious ethical obligation that should be enforced. The Ad hoc Committee recommends, in case of breach of confidentiality, and after due process, that there be an automatic dismissal from the advisory selection committee, without a replacement.

#### 3.1.2 The extent of confidentiality in selection committee proceedings

The difficulty in determining what parts of the process should remain confidential is to reconcile the need to protect the integrity of the process with the need for a certain degree of openness. But both aspects can be reconciled if we ask ourselves what useful purpose would be served by relaxing the rules of confidentiality.

We cannot accept the view that the contents of the proceedings of an advisory selection committee should be openly discussed. The argument that the testing and sharing of information with the entire community would enable the advisory selection committee to gather information which it would not otherwise have obtained, seems to us to be outweighed by the potential harm that could be done not only to the individual candidates, but to the credibility of the process. We believe that members of advisory selection committees owe a duty to one another to protect the freest possible expression of opinion in committee deliberations. This is what we mean by "integrity of the process." Far from being a constraint or an impediment, the respect of confidentiality should therefore be seen as an essential condition for the committee to carry out its task.

The Ad hoc Committee believes that the identity of all candi-



dates whose names are not retained on the short list, all documentation, as well as all the deliberations surrounding and leading to agreement on the short list of candidates, should remain confidential.

As recommended below, the names of the candidates on the short list should be made public (after each of them has been informed of this fact). Following disclosure of the short list, we also recommend a brief consultation process with interested members of the University community. This constitutes the open part of the process.

After this consultation has taken place, however, the committee's deliberations leading to the choice of a suitable candidate and the vote on the final recommendation must remain confidential. Only after the Chair of the Board and the Rector have received a copy of the Report and have agreed to support the committee's recommendation can the successful candidate be informed of the outcome of the search. In accordance with present practice, the report should be discussed in the closed session of the Board meeting, and the vote thereon should remain confidential. Once the report is adopted, the appointment may be announced at the open session of the meeting.

## 3.2 *R*ules of natural justice

Under the current Rules and Procedures, evaluation and advisory search committees must ensure that the basic tenets of natural justice and fairness are maintained.<sup>23</sup> The Ad hoc Committee believes that this sound principle should be maintained.

Although these rules also govern the proceedings of Hearing Boards under the Code of Conduct (Non-Academic),<sup>24</sup> they are not very well known in the University. The Courts have commented on these rules, however, on a few occasions. In brief, the rules of natural justice involve two major principles: 1) the rule against bias; and 2) the rule "audi alteram partem" (Hear the other side) which means in practice that evaluation and search committees must allow incumbents and candidates to respond to any relevant criticism or comments and must give them an opportunity to express their views on their performance or candidacy, as the case may be.

It was brought to the attention of the Ad hoc Committee that irregularities sometimes occur in the proceedings of evaluation or advisory search committees, whether by not following

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the current Rules and Procedures or due to a breach of the rules of natural justice. Hence the question was raised: How are committee members to deal with such improprieties? Are there ways of communicating with someone in authority to ensure the situation will be corrected?

Unfortunately, there is no provision in the current Rules and Procedures dealing with such a possibility. However, we agree that improprieties or irregularities should not be allowed to continue once they are noticed, and there should be a mechanism whereby complaints could be laid and alleged irregularities examined. The Ad hoc Committee recommends that any committee member could inform the Chair of the Board of Governors of the irregular situation, supplying any supportive evidence that he or she can provide. The Chair of the Board would then investigate the matter with the Chair of the committee and attempt to resolve the conflict informally. Should this intervention fail, the Chair of the Board could then establish an ad hoc committee to deal with a formal complaint, in the same way as the current hearing boards operate.

### 3.2.1 Lack of knowledge of the rules

The Ad hoc Committee believes it is important that members of advisory selection committees be given appropriate information about the rules of natural justice so that they may familiarize themselves with them. We recommend that the University Legal Counsel prepare a Guide Book which will include guidelines on the application of the rules of natural justice as well as the rules and procedures which govern advisory selection committees. The Guide Book could be distributed to committee members before the first meeting. (This was suggested in 1984 but never implemented). The Guide Book should also include information on how to avoid inadvertent discrimination against women.

#### Therefore, the Ad hoc Committee recommends:

1. That the requirement for members of evaluation and advisory search committees to sign an undertaking of confidentiality before the start of deliberations be abolished.
2. That there be a presumption in the Rules and Procedures stating that by agreeing to serve on advisory selection committees, members are presumed to undertake to respect the

limits of confidentiality set out in the present report, as well as standards of integrity, civility and ethical behaviour.

3. That in case of a breach of confidentiality, and after due process, there should be an automatic dismissal from the committee, without a replacement.
4. That, in cases of irregularities or improprieties in the proceedings of an advisory selection committee, any committee member who becomes aware of such irregularities or improprieties be enabled to report them to the Chair of the Board of Governors and solicit his intervention; that the Chair of the Board then investigate the matter with the Chair of the committee. Should his intervention fail, that an ad hoc committee be established to deal with a formal complaint, in the same way as the current hearing boards operate.
5. That the University's Legal Counsel prepare a Guide Book which will include guidelines on the application of the rules of natural justice as well as the rules and procedures which govern advisory selection committees, and that this Guide Book be distributed to committee members before the first meeting. The Guide Book should also include information on how to avoid inadvertent discrimination against women.

## 3.3 *R*ole of the periodic appraisal of academic units

In order for the advisory selection committee to make a wise choice about the best candidate, it needs as much information as possible before interviewing the candidates.

The process of periodic appraisals was introduced in the Fall of 1989 by the Vice-Rector, Academic, and since then, four periodic appraisals of academic units whose heads are subject to a Board appointment (three Faculties and the Division of Graduate Studies) have taken place, in the penultimate year of the term of the incumbent Dean. As presently carried out, this process involves a Review Committee which is struck and chaired by the Vice-Rector Academic, and whose mandate is to perform the appraisal of the unit and to establish a profile for the Dean for the next five-year period, based on the foregoing appraisal. These two operations then serve to inform the search for a Dean by an advisory search committee also chaired by the Vice-Rector, Academic.

The Ad hoc Committee believes that, while the periodic appraisal of academic units is an important mechanism, it should be considered by the advisory selection committee as part of the input, and in conjunction with other forms of input,

23 Revised Report of CESSA, page 4, and Article 14 of the Rules and Procedures.

24 Articles 55 and 57 of the Code of Conduct (Non-Academic).



to be obtained by the committee. The present appraisal process, in any event, is now subject to the Procedural Guidelines adopted by Senate in May 1992.<sup>25</sup>

## 3.4 Screening of the candidates

The purpose of screening is to bring forward those candidates (and only those) who have real potential for doing the job well. This is a crucial task of the advisory selection committee, one that requires care and good judgment. We are not concerned here with the "mechanics" of screening (e.g. Who is going to read all the applications? Do we need an executive search firm? According to what grid of criteria are the candidates to be assessed? etc.) but rather with mapping out the major steps involved and how the advisory selection committee should go about them.

Obviously there is some elimination to be performed at the stage of analyzing the resumé of the applicants, as some candidates simply do not meet the basic requirements. From the remaining candidates, by using the grid of requirements to rank the candidates on the basis of their resumé, the advisory selection committee should be able to narrow down its choice to a list of about six good candidates who will then be interviewed by the committee. The purpose of this first round of interviews is to gather more information about those candidates, information that will complement the one provided in their resumé and on the basis of which the advisory selection committee will perform a further elimination in order to arrive at a short list of strong candidates.

The Ad hoc Committee believes this first "long" list of candidates should not be made public. In addition, all information related to this first round of interviews as well as the deliberations surrounding the screening towards the short list, should remain confidential in order to protect the identity of those candidates who do not make it to the short list.

### 3.4.1 Candidates on the short list

How many names should the short list include? This will depend on the quality of candidates in the pool. From the information provided by other Canadian universities, four to six candidates seem to be the norm. Search committees at Concordia generally tend to have short lists of three or four candidates only.

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Once the advisory selection committee has developed a short list of candidates, should the proceedings remain closed and confidential, and restricted to the committee members, or should they be opened up to include more people in the process? Representations were made to the Ad hoc Committee that the short list of candidates should be made public. Examples were cited of several Canadian universities whose policies or procedures for search committees involve publicizing the names of candidates on the short list as part of an open consultation process.<sup>26</sup>

The advantage of publishing the names of short-listed candidates is to allow members of the University community who have personal knowledge of certain facts to come forward with pertinent information about a candidate's strengths and weaknesses or about a candidate's performance in specific instances, thereby allowing the advisory selection committee to gather additional information to which it would not otherwise have had access. The Ad hoc Committee recommends that the names of candidates on the short list be made public within the University community no less than thirty (30) days and no more than sixty (60) days before the advisory selection committee is scheduled to make its recommendation to the Board of Governors.

The calls for nominations and applications should clearly indicate to all candidates what to expect if they make it to the short list.

### 3.4.2 Extent and form of consultation after the short list is made public

Some participants at the open hearings represented to the Committee that it is not enough to publish the short list: the process should provide for the opportunity to meet with the candidates if the concept of openness is to be meaningful at all. The University of British Columbia (UBC) was cited as an example of openness: its process provides for the short-listed candidates to give public lectures. It was argued that it is essential to allow for interaction between the candidates and the University community. This interaction can generate significant feedback and input from the community which can

only be beneficial to the selection process.<sup>27</sup>

Assuming it is indeed in the best interests of the University to carry disclosure one step further and to provide for this kind of interaction, how and to what extent should this be carried out in practice? What groups should be allowed to meet with the candidates — a Department, an entire Faculty, or the whole University community? What kind of forum should be provided?

At this stage, it might be worthwhile to look at what other Canadian universities are doing in this respect. As was indicated to us, a few Canadian universities do provide for an open consultation after publishing the short list of candidates. Results of the survey enabled us to identify the following:

In searches for a President, the rules at three universities — (Dalhousie, Victoria, Waterloo) provide that the advisory selection committee may arrange for the external candidates on the short list to meet with members of interested groups in the University. (At the University of Victoria, the policy specifies that the committee "shall arrange for the candidates to meet with the Board of Governors and as many of the Deans and Department Chairs as is practical"). Three more universities (UQAM, Guelph, UBC) have policies providing that if appropriate, the committee may arrange for a public lecture to be delivered by each candidate.

In searches for the position of Vice-Rector, Academic, two universities (Waterloo, St. Francis Xavier) have similar rules re: meeting with members of interested groups. In searches for a Dean, there are four (Saskatchewan, Lakehead University, Waterloo, St. Francis Xavier) where candidates are invited to meet with members of the Faculty (in a forum or seminar presentation).

We suggest for Concordia University a process which will allow the advisory selection committee, if appropriate, to arrange for members of the University community to meet informally once with each of the candidates on the short list individually. The purpose of such consultation is to provide an opportunity for dialogue and exchange of views with the candidates. It will be up to the advisory selection committee to decide on whatever forum or format of meeting will seem to be the most conducive to a fruitful interaction between the candidates and the interested groups.

### 3.4.3 Involvement of the Rector

In the case of advisory search committees which the Rector does not chair, the current Rules and Procedures do not

25 See "Procedural Guidelines for Periodic Appraisal of Academic Units," Senate document # US-92-4-D3.

26 Namely the universities of British Columbia, Calgary, Dalhousie, Guelph, Manitoba, Regina, Saskatchewan, UQAM, Victoria, Waterloo.

27 Dr. Martin Kusy, Dean of Graduate Studies, at the open hearing of 21 April 1992.



provide any possibility for him to meet with an advisory selection committee at any stage of the selection process. Yet, according to present practice, the Rector is expected to move the resolution for approval by the Board of Governors of the recommendation made by an advisory search committee.

The Ad hoc Committee believes that this can put the Rector in a difficult position in cases where he or she has not been informed in advance of the committee's choice or where the Rector does not agree with that choice — or both.

In the Committee's view, the Rector should be consulted and should have a right to give his or her input at any stage of the process. This is based on the concept of team work. The senior administration of this University is composed of ten people (the Rector, the three Vice-Rectors, the Secretary-General, and the five Deans) who make decisions through consensus and who have to work in harmony, in a common acceptance of the University's goals and objectives.

The notion of a team is well accepted by the University community in other situations. For example, the Deans choose their assistant deans or vice-deans or associate deans and the Vice-Rectors choose their Associate Vice-Rectors. The same should hold true about the Rector having a voice in the choice of vice-rectors, deans and the Director of Libraries. The Rector, as Chief Executive Officer of the University, is responsible for the harmonious team work of senior administrators, and as such, it is not only his right, but his duty, to voice any concerns he or she may have about a proposed appointment.

We believe the Rector should be consulted before a final choice is made. The advisory selection committee should inform the Rector of the names of the candidates who are to be retained on the short list, not for the Rector to express a personal preference, but to give him an opportunity to voice the concerns or opposition which he may have towards any of the candidates on the short list. It is essential that this should be done before the short list is made public. Again, at the final stage, when the advisory selection committee has agreed on the best candidate and is ready to make its recommendation to the Board, the advisory selection committee should inform the Rector as to its final choice.

#### Therefore, the Ad hoc Committee recommends:

1. That the periodic appraisal of academic units be considered by the advisory selection committee as part of the input to be obtained by the committee and in conjunction with other forms of input.
2. That the short list of candidates be made public within the University community no less than thirty (30) days and no

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more than sixty (60) days before the advisory selection committee is scheduled to make its recommendation to the Board of Governors.

3. The advisory selection committee may provide an opportunity for members of the University community to meet informally once with each of the candidates on the short list individually. The purpose of such consultation is to provide an opportunity for dialogue and exchange of views with the candidates.
4. That the Rector be consulted and have the right to give his or her input at any stage of the selection process.
5. That, prior to the short list being made public, the advisory selection committee inform the Rector of the names of the candidates on the short list and seek his or her comments and input; and that when the advisory selection committee has agreed on the best candidate and is ready to make its recommendation to the Board, the advisory selection committee should inform the Rector as to its final choice.

## 3.5 Report of the advisory selection committee

With respect to the current advisory search committees, Article 32 of the Rules and Procedures states:

**"The Chair of the Advisory Search Committee shall transmit to the Board of Governors the recommendations of the Advisory Search Committee. The officer to whom the position to be filled reports shall also transmit to the Board of Governors a personal recommendation."**

This provision is ambiguous in that it treats the officer to whom the position reports as a different participant, in addition to the Chair, whereas both in practice and under the Rules, the Chair of the Advisory Search Committee is the senior officer to whom the position to be filled reports. The Rules and Procedures say nothing more specific about the report or its contents, except for its timeframe: the Advisory Search Committee is, presumably, to be established in September,<sup>28</sup> expected to begin work effectively in December (Article 23) and complete its report in time for presentation to the regular

February meeting of the Board of Governors (Article 31). With respect to format or contents, the only mention made is that the committee shall make a written recommendation to the Board and give reasons therefor (Article 20 (ii)).

We believe the report of an advisory selection committee is important enough to warrant setting out more specific parameters as to what it should contain, how it should be submitted to the Board, and whether two separate reports are still appropriate.

#### What should the report contain?

The long-standing obligation for advisory search committees to submit a reasoned report makes perfect sense and should be maintained. In addition to describing its methodology, providing statistics as to the number of applications received, the number of candidates on the short list, the informal meetings with specific groups in the University community, if any, etc., the report should contain a rationale explaining why the advisory selection committee is recommending the nominee over the other candidates on the short list. It should also state that the recommended candidate meets most, if not all, the requirements established in the profile.

The advisory selection committee should also be asked to rank the three or four candidates on the short list by order of preference, and the ranking should be indicated clearly in the Report. Furthermore, as the best candidates often have professional qualifications which are more or less equivalent in terms of academic background and experience, the committee's final choice must be based on other, additional factors. For example, an advisory selection committee's report could state that the committee has selected two outstanding candidates, "A" and "B," but is recommending "A" over "B" for reasons that relate to the University's overall interest, not to each candidate's personal qualities — for example: This university, at this particular time, in this particular context (administrative reorganization of a unit, particular problems in a Faculty) should be looking for the skills and the style of leadership offered by candidate "A," — and so on.

In our opinion, to present the rationale in the way suggested above would not only provide more information for the Board of Governors but would also show how difficult these choices can be. Realistically, an advisory selection committee can never hope to find an ideal candidate to match an ideal profile. What it can find is the best possible candidate in relation to the institution's particular needs at a given point in time.

The Ad hoc Committee also believes that this kind of reasoned report is essential as part of the mechanism for conflict resolution in cases where the Rector does not agree with a committee's recommendation, which we will deal with in the



next section (3.6) of the present chapter.

#### When and to whom should the report be presented?

As the Board of Governors is responsible for making the senior administrative appointments, the advisory selection committee must submit its reasoned report and recommendation to the Board of Governors. It should be emphasized that the report of the advisory selection committee *must* be presented, i.e. must be brought forward to the Board in all cases, whatever the circumstances.

The committee's report should be received by the Board at its subsequent meeting, i.e. the meeting following the date on which the report was submitted; the report should then be considered and dealt with no later than the next meeting after it was received. This does not preclude the report from being acted upon at the same meeting as it is submitted. But if there are dissenting views being expressed, then the Board would have one month to look for a solution.

In practice, the report would be forwarded at the same time to both the Rector and the Chair of the Board, who would have the joint responsibility of bringing it to the Board.

Related to this stipulation is a very important rule that should be clearly spelled out. In no circumstances should the successful candidate be informed of the outcome of the selection process before the Chair of the Board and the Rector have received a copy of the report and have agreed to support the committee's recommendation.

#### Are separate reports still appropriate?

As indicated above, the Chair of the current advisory search committees is expected to state whether he or she endorses the committee's recommendation. This usually takes the form of a separate, albeit very brief, report, in which the Chair states his or her endorsement of the committee's conclusions and makes a personal recommendation to the Board, identical to the report's. According to present practice, the Rector moves the resolution embodying the committee's recommendation and seeks the Board's approval.

The Ad hoc Committee believes there is no real need for a separate report from the Chair of the Committee. Since, in all cases, the Chair will have signed the reasoned report of the committee, his or her support for the recommendation is thus quite apparent.

On the other hand, the Rules should still require the Rector to move the motion seeking Board approval. Because of the Rector's central role as Chief Executive Officer and academic leader of the institution, there is an important symbol in the action of the Rector publicly and officially endorsing the

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appointment of one of his or her close collaborators. However, in cases where communication has failed along the line and where the Rector might not agree with the committee's recommendation, this could put him or her in a very uncomfortable situation vis-à-vis both the committee and the Board. In order to alleviate the problems posed by this kind of situation, the Committee believes the Rector should be given some flexibility in expressing a personal option. When moving the resolution, the Rector could state, for example, either:

- a) that he or she fully supports the committee's recommendation;  
or
- b) that he or she has serious reservations about the committee's recommendation.

If the Rector is unable or unwilling to move the motion, he or she should so inform the Board and explain his or her position, giving the reasons for his or her disagreement. The problems created by this last possibility will be addressed in the next section.

#### Therefore, the Ad hoc Committee recommends:

1. That the report of the advisory selection committee be reasoned, reflect the committee's conclusions, be signed by all the committee members, and indicate the vote.
2. That the reasoned report of the advisory selection committee include a ranking of the candidates on the short list and propose two or three of these candidates by order of preference with a rationale explaining that candidate "A" was favoured over candidates "B" and "C" for reasons relating to the University's overall interest.
3. That the reasoned report of the advisory selection committee *must* be brought forward to the Board of Governors and considered by the Board in every particular instance, whatever the circumstances may be.
4. That the reasoned report of the advisory selection committee be received by the Board at its meeting following the date on which it was submitted; the report should be considered and dealt with *no later than* the next regular meeting of the Board of Governors.
5. That in no circumstances should the successful candidate be informed of the outcome of the selection process before the Chair of the Board and the Rector have received a copy of

the report and agreed to support the committee's recommendation.

6. That the motion embodying the advisory selection committee's recommendation and seeking the Board's approval be moved by the Rector, and that in moving the resolution, the Rector be given the flexibility of expressing one of two personal options with respect to the committee's recommendation, i.e. either that he or she fully supports it, or that he or she has serious reservations about it.
7. That in cases where the Rector is unable or unwilling to move the motion, he or she so inform the Board and explain his or her position, giving the reasons for his or her disagreement.

## 3.6 Conflict Resolution Mechanism

If the recommendation of an advisory selection committee turned out to be unacceptable to the Rector, how should the situation be handled? What should the relationship be between the advisory selection committee, the Board of Governors, the Chair of the Board and the Rector? Since our current Rules and Procedures do not provide at all for an exceptional situation like this one, we looked at how other Canadian universities dealt with this problem.

Very few universities have foreseen such a situation in their policies, and in fact, we found only three (Saskatchewan, Waterloo, Alberta) whose policies or procedures proposed a solution in case of conflict.

At one of the hearings held by the Committee, the Steering Committee of the Chairs' Caucus proposed the following mechanism:

- a) the Board should present a rationale (presumably to the advisory selection committee) for its decision to reject the committee's recommendation;
- b) the matter should be referred back to the advisory selection committee and the committee should be asked to recommend another candidate;
- c) should the committee be unwilling or unable to recommend another candidate, then the committee should disband, in which case another advisory selection committee should be established and the whole process will start anew.<sup>29</sup>

Before formulating its own recommendation, the Ad hoc Committee wishes to emphasize that if the Rector is properly consulted at a given stage of the selection process, according to one of our foregoing recommendations, this would probably reduce the possibility for a conflict to occur with respect to the committee's recommendation. However, if there was a lack



of communication somewhere and the Rector's comments and input were not taken into consideration by the advisory selection committee, and when informed of the committee's recommendation the Rector cannot agree with it or has strong reservations about it, the following are recommendations aimed at resolving the conflict.

- 1) The Rector should inform the advisory selection committee that he or she disagrees with its recommendation or has strong reservations, as the case may be, and provide to the committee the reasons why he or she finds the recommended candidate unacceptable.
- 2) The advisory selection committee's report and recommendation should nevertheless be brought forward to the Board of Governors by the Chair of the advisory selection committee (as we previously recommended, this should be done in all cases). If the Rector is unable or unwilling to move the motion, he or she should so inform the Board and explain his position, giving the reasons for his or her reservations or disagreement, as the case may be. The Board of Governors should give preliminary consideration to the committee's report, at least to be informed of the pros and cons. At this point the Rector may recommend, and the Board may decide, to refer the matter back to the advisory selection committee. If this is the case, the University community should be informed of this decision.
- 3) The advisory selection committee should be asked to reconsider its recommendation. The committee may, as one of its options, decide to recommend candidate "B" in lieu of candidate "A." (It will be recalled that, according to our recommendation, the reasoned report of the committee should include a ranking of the candidates on the short list). The advisory selection committee may decide to invite the Rector to meet with the committee, if deemed appropriate, in order to obtain additional information.
- 4) If the committee decides to recommend candidate "B" or candidate "C" in lieu of candidate "A," the recommendation should be submitted to the Board, at its next regular meeting, and if found acceptable, the Board will then make the appointment.
- 5) Should the committee persist in recommending candidate "A," the recommendation should be brought to the Board for the second time. The Board should then discuss the recommendation on its merits and in light of the information it may have gathered on the subject. At the end of the debate, the Board of Governors has three (3) options. It may 1) accept the recommendation of the advisory selection committee and appoint candidate "A"; 2) appoint candidate "B" or candidate "C" if it is satisfied that either of these candidates is better than candidate "A"; or 3) decide to disband the committee if it deems appropriate to do so.
- 6) Should the Board decide to disband the advisory selection committee, another advisory selection committee should be established at the same meeting, with elections to follow at a further Board meeting, and the new advisory selection committee will start the selection process anew.

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We feel this mechanism is both fair and democratic in the sense that it gives all parties an opportunity to be heard. It seems to us that if all the steps are followed carefully, such a mechanism could minimize the possibilities for tension by maintaining a dialogue between the parties involved. Most importantly, it is essential for the University to know that an objective mechanism exists and that any potential conflict will be resolved in accordance with predetermined, written rules. We wish to reiterate how important it is that not only the advisory selection committee, but the concerned academic unit, and indeed

the whole University community, be kept informed of the progress made in attempting to resolve the conflict, and how it is ultimately resolved.

**Therefore, The Ad hoc Committee recommends:**

1. That the foregoing conflict resolution mechanism, involving six steps, be adopted and be made a part of the future revised Rules and Procedures;
2. That the advisory selection committee, the concerned academic unit and the entire University community be kept informed, at every stage, of the progress made in attempting to resolve the conflict, and as to how it was ultimately resolved.

## CONCLUSION

In this report, the Ad hoc Committee is not recommending that the process be changed entirely, which we believe would be unwarranted. What is being recommended are vital changes aimed at improving and streamlining the process, and making it more workable.

A list of our recommendations follows, together with the titles of six Appendices available from the Office of the Secretary-General.

The Committee members are honoured to have had the opportunity of serving the University in this way.

The members of the Ad hoc Committee on the Revision of the Composition, Rules and Procedures for Evaluation Committees and Advisory Search Committees:

Mr. Reginald K. Groome, Chairman  
 Sister Eileen McIlwaine, Ph.D.  
 Mr. J. Roy Firth  
 Dr. Henry Habib  
 Dr. V.H. Kirpalani  
 Mr. Thomas Dowd  
 Me Bérengère Gaudet, Secretary

## Available Appendices

Appendix "A" — List of individuals and groups who submitted written briefs to the Committee

Appendix "B" — List of universities across Canada who were sent a questionnaire re: survey performed by the Department of Institutional Planning and Research

Appendix "C" — List of universities which responded to Concordia's questionnaire

Appendix "D" — Report of the Ad hoc Committee to Evaluate, Review and Recommend the Composition, Structure and Methods of Procedure for Evaluation Committees and Advisory Search Committees Rules and Procedures for Evaluation Committees and Advisory Search Committees (1984)

Appendix "E" — Procedures for Advisory Committees (1975)

Appendix "F" — Procedures for Evaluation Committees and Advisory Search Committees (1981)

These appendices are available upon request, by calling the Office of the Secretary General, at 848-4814.





## Recommendations

1. That the *status quo* be maintained with respect to the senior administrative positions which are subject to an appointment by the Board of Governors following a search conducted by an advisory search (or selection) committee established by the Board.
2. That the current Evaluation Committees and Advisory Search Committees be replaced by an Advisory Selection Committee as proposed on page 5 of this report.
3. That the timeframe for the establishment and election of advisory selection committees be as set out on page 5 of this report.
4. That Advisory Selection Committees be composed of *nine* members.
5. That the composition of Advisory Selection Committees be as proposed on page 6 of this report.
6. That the Advisory Selection Committee be chaired by the senior administrator to whom the position to be filled reports.
7. That a senior administrator, who is called upon to chair such advisory selection committees, chair no more than one committee at a time;
8. That, should two or more advisory selection committees under the jurisdiction of the same person be established at the same time, the other Chair(s) be appointed by the Board of Governors on the recommendation of the Executive Committee.
9. That the University's senior administration be responsible for preparing the profile of the ideal candidate, with the appropriate consultation and input, as outlined in this report. The profile shall be completed within a delay of two months, between April and June.
10. That, in determining the profile, the senior administration solicit input and feedback from the relevant constituencies and from the Executive Committee of the Board of Governors.
11. That, once finalized, the profile of the ideal candidate be forwarded to Senate for its input and recommendations, and then submitted to the Board of Governors for approval.
12. That, after approving the profile of the ideal candidate, the Board of Governors forward the document to the Chair of the advisory selection committee as the basic document on which the said committee is expected to base its deliberations.
13. That members of the advisory selection committee sit as individuals, not as delegates or representatives of any group.
14. That proactive procedures be used to seek out women candidates for senior administrative positions.
15. That, when advertising a position, the qualifications and experience needed for the position be defined in a way that invites and encourages women candidates.
16. That advisory selection committees adopt procedures to avoid even inadvertent discrimination against women.
17. That the election process for faculty members to be recommended as members of advisory selection committees be governed by uniform, University-wide procedures, to be pro-

posed and determined in the way which the Board of Governors will deem to be the most appropriate.

18. That the election process for faculty members be supervised by an independent, impartial authority; and that this authority be the Office of the Secretary-General, provided that sufficient additional resources be allocated to it.
19. That the procedures for the election of administrative and support staff to advisory selection committees be clarified and put in writing.
20. That the administrative and support staff be better informed about the procedures for the election of their representatives on advisory selection committees, through whatever means deemed appropriate by the Department of Human Resources.
21. That the rules and procedures governing the election process provide for eligibility rules applying to all members of the University community.
22. That the requirement for members of evaluation and advisory search committees to sign an undertaking of confidentiality before the start of deliberations be abolished.
23. That there be a presumption in the Rules and Procedures stating that by agreeing to serve on advisory selection committees, members are presumed to undertake to respect the limits of confidentiality set out in the present report, as well as standards of integrity, civility and ethical behaviour.
24. That in case of a breach of confidentiality, and after due process, there should be an automatic dismissal from the Committee, without a replacement.
25. That, in cases of irregularities or improprieties in the proceedings of an advisory selection committee, any committee member who becomes aware of such irregularities or improprieties be enabled to report them to the Chair of the Board of Governors and solicit his intervention; that the Chair of the Board then investigate the matter with the Chair of the Committee. Should his intervention fail, that an ad hoc committee be established to deal with a formal complaint, in the same way as the current hearing boards operate.
26. That the University's Legal Counsel prepare a Guide Book which will include guidelines on the application of the rules of natural justice as well as the rules and procedures which govern advisory selection committees, and that this Guide Book be distributed to committee members before the first meeting. The Guide Book should also include information on how to avoid inadvertent discrimination against women.
27. That the periodic appraisal of academic units be considered by the advisory selection committee as part of the input to be obtained by the committee and in conjunction with other forms of input.
28. That the short list of candidates be made public within the University community no less than thirty (30) days and no more than sixty (60) days before the advisory selection committee is scheduled to make its recommendation to the Board of Governors.
29. The advisory selection committee may provide an opportunity for the University community to meet informally once with each of the candidates on the short list individually. The

purpose of such consultation is to provide an opportunity for dialogue and exchange of views with the candidates.

30. That the Rector be consulted and have the right to give his or her input at any stage of the process.
31. That, prior to the short list being made public, the advisory selection committee inform the Rector of the names of the candidates on the short list and seek his comments and input; and that when the advisory selection committee has agreed on the best candidate and is ready to make its recommendation to the Board, the advisory selection committee should inform the Rector as to its final choice.
32. That the report of the advisory selection committee be reasoned, reflect the committee's conclusions, be signed by all the committee members, and indicate the vote.
33. That the reasoned report of the advisory selection committee include a ranking of the candidates on the short list and propose two or three of these candidates by order of preference with a rationale explaining that candidate "A" was favoured over candidates "B" and "C" for reasons relating to the University's overall interest.
34. That the reasoned report of the advisory selection committee *must* be brought forward to the Board of Governors and considered by the Board in every particular instance, whatever the circumstances may be.
35. That the reasoned report of the advisory selection committee be received by the Board at its following meeting; the report should be considered and dealt with *no later* than the next regular meeting of the Board of Governors.
36. That in no circumstances should the successful candidate be informed of the outcome of the selection process before the Chair of the Board and the Rector have received a copy of the report and agreed to support the committee's recommendation.
37. That the motion embodying the advisory selection committee's recommendation and seeking the Board's approval be moved by the Rector, and that in moving the resolution, the Rector be given the flexibility of expressing one of two personal options with respect to the committee's recommendation, i.e. either that he or she fully supports it, or that he or she has serious reservations about it.
38. That in cases where the Rector is unable or unwilling to move the motion, he or she so inform the Board and explain his or her position giving the reasons for his or her disagreement.
39. That the conflict resolution mechanism set out at pages 14 and 15, and involving six steps, be adopted and be made a part of the future revised Rules and Procedures;
40. That the advisory selection committee, the concerned academic unit and the entire University community be kept informed, at every stage, of the progress made in attempting to resolve the conflict, and as to how it was ultimately resolved.